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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,130	07/02/2003	Olivier Desjeux	ICB-0054	3918

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EXAMINER

ADDY, ANTHONY S

ART UNIT PAPER NUMBER

2681

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,130

Applicant(s)

DESJEUX ET AL.

Examiner

Anthony S Addy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/20/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, the phrase "such as" on line 3, renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 6-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by **Gold, U.S. Patent Number 6,100,603 (hereinafter Gold)**.

Regarding claim 1, Gold teaches a method for controlling access via a personalized portable object to a determined space via wireless transmission of an encoded identification signal (see col. 1, lines 6-10, col. 3, lines 52-60 and Fig. 1; where a transponder 5 is shown for accessing a determined space (vehicle 1)), electronic means (see col. 3, lines 34-39 and Fig. 1), which include access control means

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connected to signal reception means and/or transmission means (see col. 3, lines 34-46, col. 3, line 61 through col. 4, line 15 and Fig. 2; where a transmitter 11, receiver 12 and control unit 2 constituting access control means and signal reception means and/or transmission means in vehicle 1 are shown), provided in the space (see col. 3, lines 34-44), and the portable object including a processing unit connected to signal transmission means and/or reception means (see col. 4, lines 32-38 and Fig. 3; where a transponder 5 is shown including a transponder IC 17, transmitter 15 and receiver 16), the method including steps of: transmitting an encoded identification signal via the transmission means of the portable object or respectively via the transmission means provided in the determined space (see col. 3, lines 53-60), receiving the encoded identification signal via the reception means provided in the space or respectively via the reception means of the portable object (see col. 3, lines 53-63, col. 4, lines 39-44 and col. 4, lines 54-57), when the object is in a restricted zone around electronic means provided in the space (see Fig. 1; where a transponder 5 is shown in a restricted zone (shaded) around electronic means provided in the space), and verifying the encoded signal in the access control means or respectively in the processing unit for authorizing access to the space (see col. 3, line 61 through col. 4, line 7 and col. 4, line 66 through col. 5, line 7), wherein the transmitted and received encoded identification signal includes an analogue signature defined by at least one amplitude variation of the encoded signal envelope (see col. 7, lines 1-16 and Figures 6A-6E), said analogue signature being specific either to the electronic means provided in the space, or to the portable object, or to the pair formed by the personalized portable object and the

electronic means provided in the space so as to authorize access to the space if said signature is recognized (see col. 4, lines 35-41 and col. 4, line 66 through col. 5, line 7).

Regarding claim 2, Gold teaches all the limitations of claim 1. In addition, Gold teaches a method, wherein the amplitude variation defining the analogue signature is obtained by an over-modulation of the encoded signal envelope (see col. 6, lines 15-60 and Figures 5 & 6A-6E).

Regarding claim 6, Gold teaches all the limitations of claim 1. In addition, Gold teaches a method for controlling access by a personalized portable object (see col. 1, lines 6-10, col. 3, lines 52-60), such as an electronic key (see Fig. 1; where a transponder 5 is shown for accessing a determined space (vehicle 1)), to a vehicle so as to control the locking or unlocking of parts or functions of the vehicle (see col. 3, line 67 through col. 4, line 8 and col. 4, line 66 through col. 5, line 7), the method being wherein it includes the steps of: transmitting via transmission means of the vehicle a first encoded signal defined as an interrogation signal with an analogue signature specific to the pair formed by the personalized object and the vehicle (see col. 3, lines 53-60 and col. 4, lines 54-55), receiving the interrogation signal via reception means of the object (see col. 3, lines 53-60, col. 4, lines 42-44, col. 4, lines 54-55 and Fig. 3; where a transponder 5 is shown including transmitter 15 and receiver 16), when the object is located in a restricted zone around the transmission means of the vehicle (see Fig. 1; where a transponder 5 is shown in a restricted zone (shaded) around transmission means provided of the vehicle 1), comparing the received analogue signal with a reference signature stored in the processing unit of the object (see col. 4, lines

35-41), calculating a second encoded signal defined as a response signal in the processing unit of the object if the specific analogue signal is recognized (see col. 3, line 57 through col. 4, line 6, col. 4, lines 35-41 and col. 4, line 55 through col. 5, line 7), and transmitting the response signal so as to command the locking or unlocking of pads or functions of the vehicle (see col. 3, line 57 through col. 4, line 6 and col. 4, line 55 through col. 5, line 7).

Regarding claim 7, Gold teaches all the limitations of claim 6. In addition, Gold teaches a method, wherein an analogue signal specific to the pair formed by the vehicle and the personalized portable object is transmitted with the first and second encoded signals (see col. 4, lines 35-41 and col. 4, line 66 through col. 5, line 4).

Regarding claim 8, Gold teaches all the limitations of claim 1. In addition, Gold teaches a method, wherein a received signal strength indicator for the encoded signal envelope, provided in the reception means of the object, such as an electronic key, or the space, such as a vehicle, supplies dynamic amplitude values for the encoded signal envelope to the control means or to the processing unit to compare the received analogue signature with a stored reference signature (see col. 4, line 54 through col. 5, line 10).

Regarding claim 10, Gold teaches all the limitations of claim 1. In addition, Gold teaches a personalized portable object for implementing the method of claim 1, the object comprising a processing unit (see Fig. 3; transponder IC 17) connected to signal transmission means and/or reception means (see Fig. 3; where a transponder 5 is shown including a transponder IC 17, transmitter 15 and receiver 16), wherein the

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processing unit is arranged to control the transmission means and/or the reception means for the transmission and/or reception of an encoded identification signal with an analogue signature (see col. 4, line 32 through col. 5, line 3; It is inherent the processing unit (transponder IC 17) controls the transmission means and/or the reception means, since an integrated circuit (IC) has processing capabilities), which is defined by at least one amplitude variation of the encoded signal envelope (see col. 6, lines 38-60), said analogue signature being specific either to the electronic means provided in the space, or to the portable object, or to the pair formed by the object and the electronic means provided in the space to be accessed, such as a vehicle (see col. 4, lines 35-41 and col. 4, line 66 through col. 5, line 7).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gold, U.S. Patent Number 6,100,603 (hereinafter Gold)** as applied to claim 10 above, and further in view of **Stobbe et al., U.S. Patent Number 6,538,560 (hereinafter Stobbe)**.

Regarding claims 11 and 13, Gold teaches all the limitations of 10. Gold further teaches an object, wherein the reception means include a received signal strength

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indicator for the received encoded signal envelope to provide dynamic amplitude values for the encoded signal envelope to the processing unit to compare the received analogue signature with a reference signature stored in storage means of the processing unit (see col. 4, lines 32-48, col. 4, line 66 through col. 5, line 7, col. 5, lines 25-50 and Fig. 3; where a transponder 5 is shown with an antenna in the form of a coil (transponder coil 18) and which meets the limitation of a reception means including a received signal strength indicator, since it is able to detect signals of varying strength).

Gold, however, fails to explicitly teach an object, wherein it includes high frequency signal transmission means and low frequency signal reception means and electric power supply means for the integrated electronic components, the supply means including a battery or an accumulator or photo-voltaic cells or an oscillating weight generator.

Stobbe, however, teaches a keyless device for controlling access to automobiles, wherein a transponder used as an electronic key includes a LF (low frequency) receiver and a HF (high frequency) transmitter (see col. 6, lines 14-27 and Fig. 1; where a transponder 8 for use in a keyless device for controlling access to motor vehicles and including LF (low frequency) receiver 11 and HF (high frequency) transceiver unit 13 is shown). According to Stobbe, for the purpose of supplying voltage, the transponder contains a rechargeable battery, e.g. a lithium-ion battery (see col. 6, lines 27-30).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Gold with Stobbe to include a transponder used as an electronic key to include electric power supply means and a high frequency signal



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transmission means and low frequency signal reception means to receive an interrogation signal (LF-code signals) from a vehicle to enable a microprocessor in the transponder which upon reception of an interrogation signal (LF-code signals) serves to initiate a HF (high frequency) transceiver to transmit a response signal to unlock or lock the doors of a vehicle as taught by Stobbe.

Regarding claim 12, Gold in view of Stobbe teaches all the limitations of claim 11. In addition, Gold teaches an object, wherein the processing unit includes an analogue-digital converter for digitizing the amplitude values provided by the indicator, and a signal processing micro-controller for comparing the digitalized amplitude values provided by the converter with amplitude values of the stored reference signature (see col. 4, line 54 through col. 5, line 10, col. 6 line 35-60, col. 7, lines 1-40 and it is inherent the transponder 5 and control unit 2 includes an analog to digital converter for converting binary code data to analog data and vice versa).

### ***Allowable Subject Matter***

7. Claims 3-5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ott, U.S. Patent Number 6,873,248 discloses identification system for confirming authorization for access to an object or the use of an object, in particular of a motor vehicle.

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Rohrl et al., U.S. Patent Number 6,353,776 discloses control system and method for controlling at least one function of an object and access control and driving authorization device for a motor vehicle.

Nowotnick et al., U.S. Patent Number 6,747,545 discloses passive keyless entry system.

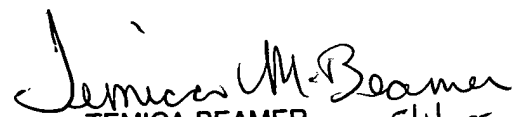
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy  
April 20, 2005



TEMICA BEAMER  
PRIMARY EXAMINER 5/11/05